



State of Arizona
Department of Education

Jaime A. Molera
Superintendent of
Public Instruction

December 4, 2001
CN 29-02

MEMORANDUM

To: Administrators, National School Lunch Program, School Breakfast Program,
Special Milk Program, Summer Food Service Program

From: Rick Hall, Team Leader
School Nutrition Programs

Subject: **Federal Procurement Regulations**

This memorandum serves as a reminder to all School Food Authorities (SFA) regarding unfair competition with regard to procurement procedures. As stated in 7 CFR 3016.60 (b) "a person that develops or drafts specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for use by a grantee or subgrantee in conducting a procurement under USDA...shall be excluded from competing for such procurements."

- Example: If a vendor were to draft a request for proposal (RFP) on behalf of a state agency, that vendor would be ineligible to be awarded funds related to that bid.

Federal regulation gives individual States conducting procurements under USDA entitlement programs the option to follow either State or Federal procurement rules. As an SFA participating in the Child Nutrition Programs you have broad discretion when gathering information for use in the procurement process. Please refer to the previous memo CN-21-02 and the Guidance Manual (revised September 2001) for further procurement guidelines.

If you have any questions regarding any of these regulations, please call your Child Nutrition Specialist, or our office at (602) 542-8700.